

## **REMARKS**

### **Drawings**

37 C.F.R. §1.83 (a) requires that the drawings show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where there detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation. Figures 1, 4, 7, 9, 11, 13 and 15 illustrate conventional features disclosed in the description and claims. These features are illustrated in the form of a graphical drawing symbol, consistent with the rule. Applicants remaining Figures contain detailed labels.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as anticipated by Miyanishi (U.S. Patent 5,780,786). Applicants respectfully traverse this rejection.

The U.S. Patent and Trademark Office (PTO) alleges that Miyanishi discloses all of the claimed elements of claim 1; however, Miyanishi fails to disclose *an over speed monitoring portion for receiving information from a car speed detector and a car position detector, comparing an over speed set correspondingly to the position of the car with the running speed of the car, and actuating the braking means when the running speed of the car reaches the over speed, wherein the over speed monitoring portion sets the over speed independently of the controller*, as recited in claim 1.

The Office Action indicates that the speed command generator receives information from a car speed detector and a car position detector. However, Figure

1 illustrates the speed control unit (19) receiving information (11a) from the speed detector (11) and not the speed command generator. Hence, Miyanishi fails to disclose an over speed monitoring portion which receives information from a car speed detector and a car position detector.

Further, Miyanishi does not disclose an over speed set. As best understood, Miyanishi discloses a speed command computed by the speed command generator based on the elevator car net load and the direction of run. The speed command represents the acceleration and deceleration speed in which to operate the elevator car (Abstract). On the contrary, Applicants' over speed set is a value used to detect when the elevator car is operating at an abnormal speed.

Accordingly, since Miyanishi does not disclose an over speed set, Miyanishi does not anticipate comparing an over speed set correspondingly to the position of the car with the running speed of the car, and actuating the braking means when the running speed of the car reaches the over speed, wherein the over speed monitoring portion sets the over speed independently of the controller.

The U.S. Patent and Trademark Office (PTO) alleges also that Miyanishi discloses all of the claimed elements of claim 9; however, Miyanishi fails to disclose *an over speed monitoring portion for receiving information from a car speed detector and a car position detector, comparing an over speed set correspondingly to the position of the car with the running speed of the car, and actuating the braking means when the running speed of the car reaches the over speed*, for reasons analogous to those provided above for claim 1. Miyanishi does not anticipate the claimed features of claim 9.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For these reasons and those discussed in detail above, withdrawal of this rejection is respectfully requested.

Applicants note further that the stated rejection of the Office Action fails to give the Applicants a reasonable opportunity to respond because it fails to map features disclosed in the cited reference to Applicants' claims. Instead, the PTO selectively picks and chooses a few of Applicants' recited elements to address in the Office Action. As a result, the Office Action is vague as to which features of Miyanishi the PTO believes are analogous to the combination of elements recited in Applicants' claims. Should the PTO believe that Applicants' claims read on a prior art reference, Applicants respectfully request that a clear articulation of the rejection be made in the next Office Action. Absent further clarification, Applicants request that the rejection be withdrawn.

Applicants respectfully submit that dependent claims 2-8 are allowable for at least the same reasons discussed above with respect to independent claims 1 and 9. Moreover, these claims are further distinguishable over the applied references by the additional elements recited therein. For example, because Miyanishi fails to disclose an over speed set as recited in Applicants' claims, this reference cannot reasonably be interpreted to anticipate claims 2-8, since these claims further exemplify the over speed set. For at least these reasons, withdrawal of the rejection to dependent claims 2-8 is also respectfully requested.

**Conclusion**

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-9 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in better form, Applicants requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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Date: May 8, 2008

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